

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S11131–S11237

Measures Introduced: Sixteen bills and six resolutions were introduced, as follows: S. 2731–2746, S. Res. 338–342, and S. Con. Res. 47. **Page S11205**

Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010”. (S. Rept. No. 111–97)

S. 1490, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, with amendments.

Pages S11204–05

Measures Passed:

Commerce, Justice, Science, and Related Agencies Appropriations Act: By 71 yeas to 28 nays (Vote No. 340), Senate passed H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, agreeing to the committee-reported amendment in the nature of a substitute, as amended, after taking action on the following amendments proposed thereto:

Pages S11145–86

Adopted:

Johanns Amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN).

Pages S11148, S11172

Durbin Modified Amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

Pages S11148, S11172

Rejected:

By 36 yeas to 62 nays (Vote No. 336), Coburn Amendment No. 2631, to redirect funding of the National Science Foundation toward practical scientific research. **Pages S11148, S11169–70**

Graham Amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks. (By 54 yeas to 45 nays (Vote No. 338), Senate tabled the amendment.) **Pages S11148, S11155–69, S11170–71**

During consideration of this measure today, Senate also took the following action:

Pursuant to the order of Wednesday, November 4, 2009, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the committee-reported amendment in the nature of a substitute on Tuesday, October 13, 2009, was agreed to. **Page S11145**

By 60 yeas to 39 nays (Vote No. 335), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate upon reconsideration agreed to the motion to close further debate on the committee-reported amendment in the nature of a substitute. **Page S11148**

By 42 yeas to 57 nays (Vote No. 337), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 302(f) of the Congressional Budget Act of 1974, with respect to Coburn Amendment No. 2667, to reduce waste and abuse at the Department of Commerce. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee allocation was sustained, and the amendment thus fell. **Page S11170**

By 32 yeas to 67 nays (Vote No. 339), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 302(f) of the Congressional Budget Act of 1974, with respect to Ensign

Modified Amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee allocation was sustained, and the amendment thus fell. **Pages S11148, S11171–72**

Chair sustained a point of order against the following amendments, as being in violation of rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, or as being non-germane post-cloture, and the amendments thus fell: **Page S11172**

Vitter/Bennett Amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of United States citizenship. **Pages S11146–48**

Levin/Coburn Amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions. **Page S11148**

Begich/Murkowski Amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities. **Page S11148**

Shelby/Feinstein Amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices. **Page S11148**

Leahy Amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits. **Page S11148**

Coburn Amendment No. 2632, to require public disclosure of certain reports. **Page S11148**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Mikulski, Inouye, Leahy, Kohl, Dorgan, Feinstein, Reed, Lautenberg, Nelson (NE), Pryor, Byrd, Shelby, Gregg, McConnell, Hutchison, Alexander, Voinovich, Murkowski, and Cochran. **Page S11186**

Cloture Motion—Agreement: A unanimous-consent agreement was reached providing that the motion to invoke cloture on the bill, be withdrawn. **Page S11148**

Federal Executive Board Authorization Act: Senate passed S. 806, to provide for the establishment, administration, and funding of Federal Executive Boards, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto: **Pages S11233–35**

Casey (for Akaka/Voinovich) Amendment No. 2736, in the nature of a substitute. **Pages S11234–35**

Board of Directors of the Office of Compliance: Senate passed S. 1860, to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms. **Pages S11235–36**

National American Indian and Alaska Native Heritage Month: Senate agreed to S. Res. 342, recognizing National American Indian and Alaska Native Heritage Month and celebrating the heritage and culture of American Indians and Alaska Natives and the contributions of American Indians and Alaska Natives to the United States. **Page S11236**

Measures Considered:

Military Construction and Veterans Affairs Appropriations Act—Agreement: Senate began consideration of H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto: **Pages S11187–91**

Adopted:

Johnson/Hutchison Amendment No. 2732 (to Amendment No. 2730), to make a technical amendment regarding the designation of funds. **Page S11191**

Pending:

Johnson/Hutchison Amendment No. 2730, in the nature of a substitute. **Pages S11188–91**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, November 6, 2009. **Page S11237**

Appointments:

Commission on Wartime Contracting in Iraq and Afghanistan: The Chair, on behalf of the Vice President, pursuant to Public Law 110–181, and in consultation with the Chairmen of the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations, appointed the following individual to be a member of the Commission on Wartime Contracting in Iraq and Afghanistan: Katherine Schinasi of Washington, D.C. vice Linda J. Gustitus of the District of Columbia. **Page S11236**

Davis Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 4:30 p.m., on Monday, November 9, 2009, Senate begin consideration of the nomination of Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit; that there be 60 minutes of debate with respect to the nomination, with the time equally divided and controlled between Senators Leahy and Sessions, or their designees; that

at 5:30 p.m., Senate vote on confirmation of the nomination. **Page S11196**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 93 yeas (Vote No. EX. 341), Ignacia S. Moreno, of New York, to be an Assistant Attorney General. **Pages S11186–88, S11237**

Arturo A. Valenzuela, of the District of Columbia, to be an Assistant Secretary of State (Western Hemisphere Affairs).

Rolena Klahn Adorno, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration.

Marvin Krislov, of Ohio, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Susan Tsui Grundmann, of Virginia, to be Chairman of the Merit Systems Protection Board.

Susan Tsui Grundmann, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2016.

Anne Marie Wagner, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2014.

Benjamin B. Wagner, of California, to be United States Attorney for the Eastern District of California for the term of four years.

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.

Cynthia L. Quarterman, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Carmen Milagros Ortiz, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Edward J. Tarver, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

Elizabeth M. Robinson, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

Patrick Gallagher, of Maryland, to be Director of the National Institute of Standards and Technology.

Pages S11196, S11237

Messages From the House: **Pages S11203–04**

Executive Communications: **Page S11204**

Executive Reports of Committees: **Page S11205**

Additional Cosponsors: **Pages S11205–07**

Statements on Introduced Bills/Resolutions: **Pages S11207–23**

Additional Statements: **Page S11203**

Amendments Submitted: **Pages S11223–32**

Authorities for Committees to Meet: **Pages S11232–33**

Privileges of the Floor: **Page S11233**

Record Votes: Seven record votes were taken today. (Total—341) **Pages S11148, S11169–72, S11175, S11187**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 8:31 p.m., until 9:30 a.m. on Friday, November 6, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11237.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Steven L. Jacques, of Kansas, to be Assistant Secretary of Housing and Urban Development for Public Affairs, who was introduced by Senator McCaskill, Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration, who was introduced by former Representative Stephen Solarz, and Marisa Lago, of New York, to be Assistant Secretary of the Treasury for International Markets and Development, who was introduced by Senator Reed, after the nominees testified and answered questions in their own behalf.

WATER AND POWER BILLS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 1757, to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, S. 1758, to provide for the allocation of costs to project power with respect to power development within the Diamond Fork System, and S. 1759, to authorize certain transfers of water in the Central Valley Project, after receiving testimony from Senators Feinstein and Boxer; Michael L. Connor, Commissioner, Bureau of Reclamation, Department of the Interior; Martin R. McIntyre, San Luis Water District, Los Banos, California; and Hamilton Candee, Altshuler Berzon LLP, San Francisco, California, on behalf of the Grassland Water District.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a